

53B-16-101. Establishment of institutional roles and general courses of study.

(1) Except as institutional roles are specifically assigned by the Legislature, the board may establish and define the roles of the various institutions of higher education under its control and management and shall prescribe the general course of study to be offered at each institution.

(2) In establishing and defining institutional roles, the board shall consider the traditional roles of the separate institutions.

Enacted by Chapter 167, 1987 General Session

53B-16-102. Changes in curriculum -- Substantial alterations in institutional operations -- Periodic review of programs -- Career and technical education curriculum changes.

(1) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution may make such changes in its curriculum as necessary to better effectuate the institutional role previously approved by the board.

(2) Notice of a change in the curriculum shall in all cases be promptly submitted to the board.

(3) The board shall establish procedures and policies for considering institutional proposals for substantial alterations in the scope of existing institutional operations.

(4) Alterations shall not be made without prior approval of the state board.

(5) For purposes of this section, "substantial alteration" means the establishment of a branch, extension center, college, professional school, division, institute, department, or a new program in instruction, research, or public services or a new degree, diploma, or certificate.

(6) The board shall conduct periodic reviews of all programs of instruction, research, and public service at each institution, including those funded by gifts, grants, and contracts, and may require the modification or termination of any program.

(7) Prior to requiring modification or termination of a program, the board shall give the institution adequate opportunity for a hearing before the board.

(8) In making decisions related to career and technical education curriculum changes, the board shall request a review of the proposed changes by the State Board of Education and the Utah College of Applied Technology to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with the high schools and the Utah College of Applied Technology.

Amended by Chapter 346, 2009 General Session

53B-16-103. Granting of degrees, diplomas, or certification -- Board approval -- Termination of previous approval.

(1) (a) An institution of higher education may not issue a degree, diploma, or certificate unless it first receives approval from the board of the adequacy of the study for which the degree, diploma, or certificate is offered.

(b) A student shall demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States prior to receiving a bachelor's degree or teaching credential.

(2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter do not require board approval.

(3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if they are inconsistent with the role prescribed by the board for the affected institution.

Amended by Chapter 137, 1988 General Session

53B-16-104. Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

(1) As used in this section:

(a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a local district, or a special service district.

(2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:

(a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and

(b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

(3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.

(b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:

(i) preparing a response to the competitive procurement process; or

(ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Amended by Chapter 329, 2007 General Session

53B-16-105. Common course numbering -- Credit by examination -- Transferability of credits -- Policies.

(1) The board shall:

(a) facilitate articulation and the seamless transfer of courses within the state system of higher education;

(b) provide for the efficient and effective progression and transfer of students

within the state system of higher education;

(c) avoid the unnecessary duplication of courses; and

(d) allow students to proceed toward their educational objectives as rapidly as their circumstances permit.

(2) The board shall develop, coordinate, and maintain a transfer and articulation system within the state system of higher education that:

(a) maintains a course numbering system that assigns common numbers to specified courses of similar level with similar curricular content, rigor, and standards;

(b) allows students to transfer courses among institutions of higher education to meet requirements for general education and lower division courses that transfer to baccalaureate majors;

(c) improves program planning;

(d) increases communications and coordination between institutions of higher education; and

(e) facilitates student acceleration and the transfer of students and credits between institutions.

(3) (a) The board shall identify general education courses in the humanities, social sciences, arts, physical sciences, and life sciences with uniform prefixes and common course numbers.

(b) All institutions of higher education shall accept the courses described under Subsection (3)(a) toward filling specific area requirements for general education or lower division courses that transfer to baccalaureate majors.

(4) (a) The board shall identify common prerequisite courses and course substitutions for degree programs across all institutions of higher education.

(b) The commissioner shall appoint committees of faculty members from the institutions of higher education to recommend appropriate courses of similar content and numbering that will satisfy requirements for lower division courses that transfer to baccalaureate majors.

(c) All institutions of higher education shall accept the courses approved under Subsection (4)(a) toward filling graduation requirements.

(5) The board shall identify minimum scores and maximum credit for each:

(a) College Level Examination Program (CLEP) general examination;

(b) College Level Examination Program (CLEP) subject examination;

(c) College Board advanced placement examination; and

(d) other examination for credit.

(6) (a) Institutions of higher education shall award credit if competencies have been demonstrated by passing a challenge examination.

(b) Institutions of higher education shall award credit for the specific courses for which competency has been demonstrated by successfully passing a challenge examination described under Subsection (5)(a) unless the award of credit duplicates credit already awarded.

(7) The board shall establish policies to administer the policies and requirements under Subsections (2) through (6).

(8) The board shall include information demonstrating that institutions of higher education are complying with the provisions of this section and the policies established in accordance with Subsection (7) in the annual report of its activities to the governor

and to the Legislature required under Section 53B-1-107.

Enacted by Chapter 125, 2004 General Session

53B-16-106. Board to establish electronics engineering program at Weber State University.

(1) The board shall approve a proposal submitted by Weber State University, in accordance with Section 53B-16-102 and board policy, to establish a bachelor of science degree program in electronics engineering.

(2) Weber State University shall establish the program described in Subsection (1) within existing budgets and with no additional appropriation.

Enacted by Chapter 400, 2010 General Session

53B-16-107. Credit for military service and training -- Notification -- Transferability -- Reporting.

(1) As used in this section, "credit" includes proof of equivalent noncredit course completion awarded by the Utah College of Applied Technology.

(2) An institution of higher education listed in Section 53B-2-101 shall provide written notification to each student applying for admission that the student is required to meet with a college counselor in order to receive credit for military service and training as recommended by a postsecondary accreditation agency or association designated by the State Board of Regents or the Utah College of Applied Technology Board of Trustees if:

(a) credit for military service and training is requested by the student; and

(b) the student has met with an advisor at an institution of higher education listed in Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to program requirements, possible financial aid implications, and other factors that may impact attainment of the student's educational goals.

(3) Upon transfer within the state system of higher education, a student may present a transcript to the receiving institution for evaluation and to determine the applicability of credit to the student's program of study, and the receiving institution shall evaluate the credit to be transferred pursuant to Subsection (2).

(4) The State Board of Regents and the Utah College of Applied Technology Board of Trustees shall annually report the number of credits awarded under this section by each institution of higher education to the Education Interim Committee and the Utah Department of Veterans' Affairs.

Amended by Chapter 215, 2014 General Session

53B-16-201. Degrees and certificates that may be conferred.

(1) Utah State University, Snow College, and Salt Lake Community College may confer certificates of completion and degrees as determined by the State Board of Regents.

(2) The board shall develop evaluative criteria as a means of carefully monitoring the impact of degree programs on the vocational mission of the colleges.

Amended by Chapter 211, 2010 General Session

53B-16-202. Curricula at the community colleges.

The curricula at the colleges shall include vocational and technical education, courses of a general nature which can be transferred to other higher education institutions, adult and continuing education, and developmental education. The colleges also provide needed community service. Vocational and technical education continues as the highest priority role of the colleges; and to ensure its continued emphasis, the Board of Regents shall develop specific funding mechanisms which will maintain the high priority treatment of these programs and address the fact that many vocational programs are more costly than general education/transfer programs.

Renumbered and Amended by Chapter 8, 1987 General Session

53B-16-203. Qualifications for entrance to community colleges -- Preference to veterans.

(1) The colleges shall give enrollment preference to veterans who furnish proof of other than a dishonorable discharge from the armed forces of the United States.

(2) Admission at the colleges is based upon an individual's interest, ability, and potential for the desired occupational area and payment of the required tuition or fee. The colleges may not deny admission on the basis of an individual's previous schooling or training.

Enacted by Chapter 137, 1988 General Session

53B-16-205. Establishment of Snow College Richfield campus -- Supervision and administration -- Transition -- Institutional mission.

(1) There is established a branch campus of Snow College in Richfield, Utah, hereafter referred to as the Snow College Richfield campus.

(2) Snow College shall administer the branch campus under the general control and supervision of the State Board of Regents as an integrated part of Snow College's mission, programs, and curriculum.

(3) Snow College shall:

(a) maintain a strong curriculum in career and technical education courses at the Snow College Richfield campus and within the region served by Snow College which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education;

(b) work with school districts and charter schools in developing an aggressive concurrent enrollment program in cooperation with Snow College Richfield campus; and

(c) provide, through the Snow College Richfield Campus, for open-entry, open-exit competency-based career and technical education programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that emphasize short-term job training or retraining for immediate placement in the job market and serve the geographic area encompassing:

- (i) the Juab School District;
- (ii) the Millard School District;
- (iii) the Tintic School District;
- (iv) the North Sanpete School District;
- (v) the South Sanpete School District;
- (vi) the Wayne School District;
- (vii) the Piute School District; and
- (viii) the Sevier School District.

(4) Snow College may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Snow College.

(5) Snow College shall report to the State Board of Regents annually on:

(a) the status of and maintenance of the effort for career and technical education in the region served by Snow College, including access to open-entry, open-exit competency-based career and technical education programs; and

(b) student tuition and fees.

(6) Legislative appropriations to Snow College's career and technical education shall be made as line items that are separate from other appropriations for Snow College.

Amended by Chapter 346, 2009 General Session

53B-16-205.5. Snow College Concurrent Education Program.

(1) As used in this section:

(a) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.

(b) "Program" means the Snow College Concurrent Education Program.

(2) Consistent with policies established by the State Board of Regents, Snow College shall establish and administer, subject to legislative appropriations, the Snow College Concurrent Education Program to provide:

(a) a consistent two-year schedule of concurrent enrollment courses delivered through interactive video conferencing to secondary school students;

(b) a pathway for a secondary school student to earn college credits that:

(i) apply toward earning an Associate of Science or Associate of Arts degree; or

(ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and

(c) advisory support to secondary school students who participate in the program and the secondary school students' school counselors to ensure that students' concurrent enrollment courses align with the students' academic and career goals.

Enacted by Chapter 69, 2014 General Session

53B-16-206. Snow College Economic Development and Workforce Preparation Advisory Committee -- Membership -- Duties.

(1) Snow College shall have the Snow College Economic Development and Workforce Preparation Advisory Committee composed of the following 12 members:

(a) one economic development professional appointed by the Juab County legislative body;

(b) one economic development professional appointed by the Millard County legislative body;

(c) one economic development professional appointed by the Sanpete County legislative body;

(d) one economic development professional appointed by the Wayne County legislative body;

(e) one economic development professional appointed by the Piute County legislative body;

(f) one economic development professional appointed by the Sevier County legislative body;

(g) four representatives of business or industry employers within the region appointed by the Snow College Board of Trustees from nominations of the members appointed under Subsections (1)(a) through (f);

(h) one public education school district superintendent, appointed by the Snow College Board of Trustees, chosen from the school district superintendents serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts; and

(i) one public education school district career and technical education director, appointed by the Snow College Board of Trustees, chosen from the career and technical education directors serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts.

(2) (a) Except as provided in Subsection (2)(b), a member of the Snow College Economic Development and Workforce Preparation Advisory Committee shall serve for a term of four years.

(b) The president of Snow College shall adjust the length of the terms to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.

(3) The members of the Snow College Economic Development and Workforce Preparation Advisory Committee shall elect a chair of the committee from the committee's membership.

(4) The Snow College Economic Development and Workforce Preparation Advisory Committee shall meet upon the call of the chair or a majority of the committee members.

(5) The Snow College Economic Development and Workforce Preparation Advisory Committee shall:

(a) assess the economic development needs of central Utah and advise Snow College on how the college can improve the effectiveness of its efforts to assist business, industry, and local governments in efforts to expand economic activity and enhance the local economy; and

(b) review educational programs offered by Snow College, including career and technical education programs, and advise Snow College on how the college can improve its efforts to prepare students for employment in the region and enhance the skills of workers who are already employed.

Amended by Chapter 374, 2013 General Session

53B-16-207. Utah State University Eastern -- Career and technical education -- Supervision and administration -- Transition -- Institutional mission.

- (1) Utah State University Eastern shall:
 - (a) maintain a strong curriculum in career and technical education courses at its campus and within the region it serves which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education;
 - (b) work with school districts and charter schools in developing an aggressive concurrent enrollment program; and
 - (c) provide for open-entry, open-exit competency-based career and technical education programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that emphasize short-term job training or retraining for immediate placement in the job market and serve the geographic area encompassing:
 - (i) the Carbon School District;
 - (ii) the Emery School District;
 - (iii) the Grand School District; and
 - (iv) the San Juan School District.
- (2) Utah State University Eastern may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Utah State University Eastern.
- (3) Utah State University Eastern shall report to the State Board of Regents annually on:
 - (a) the status of and maintenance of the effort for career and technical education in the region served by Utah State University Eastern, including access to open-entry, open-exit competency-based career and technical education programs; and
 - (b) student tuition and fees.
- (4) Legislative appropriations to Utah State University Eastern career and technical education shall be made as line items that are separate from other appropriations for Utah State University Eastern.

Amended by Chapter 465, 2013 General Session

53B-16-208. Utah State University Eastern -- Career and technical education advisory committee -- Membership -- Duties.

- (1) Utah State University Eastern shall have a career and technical education advisory committee composed of the following 11 members:
 - (a) one elected local school board member appointed by the board of education for the Carbon School District;
 - (b) one elected local school board member appointed by the board of education for the Emery School District;
 - (c) one elected local school board member appointed by the board of education for the Grand School District;
 - (d) one elected local school board member appointed by the board of education

for the San Juan School District;

(e) one member of the Utah State University Eastern Regional Advisory Council appointed by the chancellor of Utah State University Eastern; and

(f) six representatives of business or industry within the region appointed by the chancellor of Utah State University Eastern from members of the program advisory committees overseeing career and technical education in the region.

(2) The career and technical education advisory committee shall:

(a) after consulting with Utah State University Eastern, school districts, and charter schools within its region, prepare a comprehensive strategic plan for delivering career and technical education within its region;

(b) make recommendations regarding what skills are needed for employment in Utah businesses and industries;

(c) recommend programs based upon the information gathered in accordance with Subsection (2)(b);

(d) review annual program evaluations;

(e) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with Board of Regents' policy;

(f) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and

(g) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Amended by Chapter 465, 2013 General Session

53B-16-209. Salt Lake Community College -- School of Applied Technology -- Career and technical education -- Supervision and administration -- Institutional mission.

(1) (a) There is hereby established a School of Applied Technology at Salt Lake Community College.

(b) Beginning on July 1, 2009, the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College shall be established as Salt Lake Community College's School of Applied Technology.

(2) Salt Lake Community College's School of Applied Technology is a continuation of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College and shall:

(a) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College; and

(b) fulfill and perform all obligations of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College.

(3) Salt Lake Community College shall administer the School of Applied Technology with the School of Applied Technology's Board of Directors as provided in Section 53B-16-210.

- (4) Salt Lake Community College's School of Applied Technology shall:
- (a) provide non-credit career and technical education for both secondary and adult students, with an emphasis primarily on open-entry, open-exit programs;
 - (b) ensure that economically disadvantaged, educationally disadvantaged, or other at-risk students have access to non-credit career and technical education;
 - (c) maintain a strong curriculum in non-credit career and technical education courses which can be articulated with credit career and technical education courses within the institution and within the state system of higher education;
 - (d) offer non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program;
 - (e) offer the curriculum at:
 - (i) low cost to adult students, consistent with legislative appropriations to the School of Applied Technology; and
 - (ii) no tuition cost to secondary students;
 - (f) provide non-credit career and technical education that will result in:
 - (i) appropriate licensing, certification, or other evidence of completion of training; and
 - (ii) qualification for specific employment, with an emphasis on high demand, high wage, and high skill jobs in business and industry;
 - (g) develop cooperative agreements within the geographic area served by the School of Applied Technology with school districts, charter schools, and other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities; and
 - (h) after consulting with school districts and charter schools within the geographic area served:
 - (i) ensure that secondary students in the public education system have access to non-credit career and technical education at each School of Applied Technology location; and
 - (ii) prepare and submit an annual report to the State Board of Regents detailing:
 - (A) how the non-credit career and technical education needs of secondary students within the region are being met;
 - (B) what access secondary students within the region have to programs offered at School of Applied Technology locations;
 - (C) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided; and
 - (D) student tuition and fees.
- (5) Salt Lake Community College or its School of Applied Technology may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Salt Lake Community College or its School of Applied Technology.
- (6) Legislative appropriations to Salt Lake Community College's School of Applied Technology shall be made as a line item that separates it from other appropriations for Salt Lake Community College.

Enacted by Chapter 346, 2009 General Session

53B-16-210. Salt Lake Community College -- School of Applied Technology Board of Directors -- Membership -- Duties.

(1) Salt Lake Community College's School of Applied Technology shall have a board of directors composed of the following 14 members:

(a) one elected local school board member appointed by the board of education for the Salt Lake City School District;

(b) one elected local school board member appointed by the board of education for the Granite School District;

(c) one elected local school board member appointed by the board of education for the Canyons School District;

(d) one elected local school board member appointed by the board of education for the Jordan School District;

(e) one elected local school board member appointed by the board of education for the Murray School District;

(f) one member of the Salt Lake Community College board of trustees, appointed by the chair of the board of trustees;

(g) one representative of groups who advocate for or provide services to populations of disadvantaged students, appointed by the president of Salt Lake Community College, in consultation with the School of Applied Technology's Board of Directors; and

(h) seven representatives of business or industry employers within the region, appointed by the president of Salt Lake Community College, in consultation with the School of Applied Technology's Board of Directors, from names provided by business and industry associations representing sectors that employ workers with career and technical education.

(2) The School of Applied Technology's Board of Directors shall:

(a) consult on an ongoing basis with:

(i) Salt Lake Community College;

(ii) school districts and charter schools within its region;

(iii) business and industry;

(iv) craft, trade, and apprenticeship programs;

(v) the Department of Workforce Services;

(vi) the Governor's Office of Economic Development; and

(vii) the Governor's Office of Management and Budget;

(b) prepare a comprehensive strategic plan for delivering career and technical education within Salt Lake County;

(c) make recommendations regarding what skills are needed for employment in businesses and industries;

(d) recommend the development of programs based upon the information gathered in accordance with Subsection (2)(a), including expedited program approval and termination procedures to meet market needs;

(e) conduct annual program evaluations;

(f) jointly appoint School of Applied Technology program advisory committees and other School of Applied Technology program advisory groups with the dean of the School of Applied Technology to provide counsel, support, and recommendations for updating and improving the effectiveness of non-credit career and technical education

programs and services;

(g) coordinate with local school boards, school districts, and charter schools to protect and enhance the non-credit career and technical education needs of secondary students;

(h) adopt an annual budget and fund balances for the School of Applied Technology;

(i) develop policies and procedures for the operation of the School of Applied Technology facilities under its jurisdiction;

(j) recommend credentials for employees and the assignment of employees to duties in accordance with:

(i) State Board of Regents and Salt Lake Community College policies;

(ii) the Council on Occupational Education accreditation guidelines; and

(iii) the Northwest Commission on Colleges and Universities accreditation guidelines;

(k) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the Council on Occupational Education, the Northwest Commission on Colleges and Universities, the State Board of Regents, Salt Lake Community College Board of Trustees, and the State Board of Education; and

(l) communicate regularly with the president of Salt Lake Community College regarding career and technical education issues.

(3) If a program advisory committee or other advisory group submits a written recommendation to the School of Applied Technology's Board of Directors, the board of directors shall acknowledge the recommendation with a printed response that explains the board of directors' action regarding the recommendation and the reasons for the action.

(4) (a) If the School of Applied Technology Board of Directors has specific recommendations to the Salt Lake Community College president, the recommendations shall be in a written form.

(b) Recommendations described under Subsection (4)(a) may include:

(i) additions, deletions, or expansions of non-credit career and technical education programs at Salt Lake Community College;

(ii) updates and improvements in the effectiveness of School of Applied Technology non-credit career and technical education programs and services, including expedited program approval and termination of procedures, consistent with Board of Regents' policy;

(iii) responsibilities described under Subsection (2); and

(iv) other recommendations relating to the non-credit career and technical education mission of Salt Lake Community College.

(c) If the president of Salt Lake Community College rejects a specific recommendation of the board of directors, the president shall:

(i) notify the board of directors in writing within 10 working days of the rejection and the reasons for the rejection; and

(ii) provide the board of directors an opportunity to modify its specific recommendation and resubmit it to the president.

(5) The president of Salt Lake Community College and the chair of the School of

Applied Technology's Board of Directors shall annually meet with the Utah College of Applied Technology Board of Trustees to provide:

- (a) the information described in Subsection 53B-16-209(4)(g); and
- (b) a report on the implementation of specific recommendations described in Subsection (4).

(6) Salt Lake Community College School of Applied Technology shall provide staff support for the School of Applied Technology's Board of Directors.

Amended by Chapter 310, 2013 General Session

53B-16-211. Salt Lake Community College -- Educational program on the use of information technology.

(1) Salt Lake Community College shall offer an educational program on the use of information technology as provided in this section.

(2) An educational program on the use of information technology shall:

- (a) provide instruction on skills and competencies essential for the workplace and requested by employers;

- (b) include the following components:

- (i) a curriculum;

- (ii) online access to the curriculum;

- (iii) instructional software for classroom and student use;

- (iv) certification of skills and competencies most frequently requested by employers;

- (v) professional development for faculty; and

- (vi) deployment and program support, including integration with existing curriculum standards; and

- (c) be made available to students, faculty, and staff of Salt Lake Community College.

Enacted by Chapter 181, 2012 General Session

53B-16-301. Definitions.

As used in this part:

(1) "Person" means:

- (a) a federal, state, or local governmental entity:

- (i) that sponsors sponsored research; or

- (ii) participates in a technology transfer;

- (b) an individual;

- (c) a nonprofit or profit corporation;

- (d) a partnership;

- (e) a sole proprietorship; or

- (f) other type of business organization.

(2) "Public institution of higher education" means an institution within the state system of higher education defined in Section 53B-1-102.

(3) "Restricted record" means a record that is restricted as provided by Section 53B-16-303.

(4) "Sponsored research" refers to research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted by a public institution of higher education through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external person that is not created or controlled by the public institution of higher education.

(5) "Technology transfer" refers to transferring information, commercializing research, or providing technical assistance between a public institution of higher education and external persons for the purpose of economic development.

Amended by Chapter 201, 2005 General Session

53B-16-302. Records that may be classified as restricted.

A public institution of higher education may classify only the following records as restricted:

(1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or

(2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the public institution of higher education shall disclose:

(a) prior to a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and

(ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or

(b) after a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties involved in the technology transfer or sponsored research;

(ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and

(iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

53B-16-303. Access to restricted records.

Notwithstanding any other provision of Title 63G, Chapter 2, Government

Records Access and Management Act, access to records restricted by this part shall only be permitted upon:

(1) written consent of the public institution of higher education originating, receiving, or maintaining such records; or

(2) a finding by the State Records Committee or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(8) or Section 63G-2-309. Nothing in this Subsection (2) shall be construed to limit the authority of the State Board of Regents to reclassify and disclose a record of a public institution of higher education.

Amended by Chapter 382, 2008 General Session

53B-16-304. Business confidentiality claims.

(1) (a) Any person who provides to a public institution of higher education a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i), restricted under Section 53B-16-302, or both protected under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section 53B-16-302, shall provide the public institution of higher education:

(i) a written claim of business confidentiality; and
(ii) a concise statement of reasons supporting the claim of business confidentiality.

(b) The person described in Subsection (1)(a) shall make the filing at the commencement of:

(i) the sponsored research project; or
(ii) the technology transfer process.

(c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:

(i) sponsored research project; or
(ii) technology transfer process.

(2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Amended by Chapter 382, 2008 General Session

53B-16-305. Applicability of the Government Records Access and Management Act.

Except as otherwise provided by this part, the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, will apply to restricted technology transfer or sponsored research records as defined in this part, as if the records were protected records as defined by Title 63G, Chapter 2.

Amended by Chapter 382, 2008 General Session

53B-16-401. Definitions.

As used in this part:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Institution of higher education" means any component of the state system of higher education as defined under Section 53B-1-102 which is authorized by the State Board of Regents to offer internship programs, and any private institution of higher education which offers internship programs under this part.

(3) "Intern" means a student enrolled in a work experience and career exploration program under Section 53B-16-402 which is sponsored by an institution of higher education, involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(4) "Internship" means the work experience segment of an intern's work experience and career exploration program sponsored by an institution of higher education, performed under the direct supervision of a cooperating employer.

Enacted by Chapter 73, 1996 General Session

53B-16-402. Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the State Board of Regents.

Enacted by Chapter 73, 1996 General Session

53B-16-403. Interns -- Workers' compensation medical benefits.

(1) An intern participating in an internship under Section 53B-16-402 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of receiving workers' compensation medical benefits.

(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapters 2 and 3.

Amended by Chapter 10, 1997 General Session

53B-16-404. Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal background check on the same basis as volunteer school district workers under Section 53A-3-410.

Enacted by Chapter 73, 1996 General Session

53B-16-405. Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's business in an appropriate location on the institution's property , or publication of that information in official publications of the institution.

Enacted by Chapter 73, 1996 General Session

53B-16-501. Nonprofit corporations or foundations -- Purpose.

(1) Dixie State University may form a nonprofit corporation or foundation controlled by the president of the college and the Board of Regents to aid and assist the college in attaining its charitable, communications, and other related educational objectives, including support for the Center for Media Innovation, film festivals, film production, print media, broadcasting, television, and digital media.

(2) The nonprofit corporation or foundation may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out its public purposes.

Amended by Chapter 10, 2013 General Session